

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

DEWAYNE RETTIG,)	
)	
)	
Plaintiff,)	
)	Case No. 2:16-cv-00338-JFC
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

DEFENDANT UNITED STATES' MOTION FOR SUMMARY JUDGMENT

Defendant United States, pursuant to Fed. R. Civ. P. 56 and LCvR 56, moves for summary judgment in this Federal Tort Claims Act (FTCA) case based upon the FTCA's statute of limitations, 28 U.S.C. § 2401(b), which bars this suit because Plaintiff failed to submit an administrative claim within two years from the date his FTCA claim accrued. The evidence and exhibits cited in Defendant's accompanying Statement of Material Facts and supporting Memorandum establish that Plaintiff's tort claim accrued over two years prior to his June 2015 administrative claim presentment and thus his claim is forever time-barred under § 2401(b). Since Plaintiff cannot produce admissible evidence to establish that he filed an administrative claim before the FTCA's two-year limitations period expired, his claim is time-barred and the United States is entitled to judgment as a matter of law.

A proposed Order is submitted with this Motion.

Dated: January 13, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2017, the foregoing document was filed via the U.S. District Court's CM/ECF electronic filing system and a copy was thereof served upon:

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